

Message Text

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DRAFTED BY L/NEA:SCNELSON:LMS

APPROVED BY P: JOSEPH J. SISCO

NEA/EGY:MR.STERNER

NEA:AATHERTON

DOD/ISA:COL. TERRY

S/S - MR. LUERS

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TAGS: PFOR, EG, CY, UK, US

SUBJ: SUEZ CANAL CLEARANCE (NIMBUS STAR/MOON)

REFS: STATE 71363; B. STATE 71935; C. STATE 73326

1. REF C CONTAINS INSTRUCTIONS FOR PRESENTATION TO GOE
OF DRAFT AGREEMENT TRANSMITTED REF A. FOLLOWING PARAGRAPHS
CONTAIN SUGGESTED TALKING POINTS FOR YOUR USE IN MAKING
PRESENTATION.

2. BEGIN TEXT: WE WERE PLEASED TO BE IN A POSITION TO
OFFER ASSISTANCE TO EGYPT IN THE CLEARANCE OF MINES AND
UNEXPLODED ORDNANCE FROM THE SUEZ CANAL AND THE SURROUND-
ING AREA.

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3. WHILE WE ARE MOVING AHEAD ON THE INITIAL STAGES OF THIS PROJECT, ONE PROCEDURAL FORMALITY WHICH WE CONSIDER NECESSARY BEFORE U.S. PERSONNEL ACTUALLY BEGIN OPERATIONS IN EGYPT IS A SIMPLE AGREEMENT WHICH WILL PROVIDE THE LEGAL BASIS AND FRAMEWORK FOR OUR ASSISTANCE. WE ARE PROPOSING AN AGREEMENT COVERING THREE BASIC POINTS WHICH WE BELIEVE HAVE BEEN IMPLICIT IN OUR PREVIOUS DISCUSSIONS OF THIS PROJECT:

(A) FIRST, THE AGREEMENT WOULD SET FORTH THE NATURE OF THE ASSISTANCE WE INTEND TO PROVIDE AND STATE THE OBVIOUS

FACT THAT OUR ABILITY TO CARRY OUT THE AGREEMENT IS SUBJECT TO THE CONTINUED AVAILABILITY OF FUNDS AND LEGISLATIVE AUTHORITY. WE ANTICIPATE NO DIFFICULTY IN THIS RESPECT.

(B) SECOND, ALTHOUGH WE INTEND TO DO EVERYTHING POSSIBLE TO ENSURE THAT THE CLEARANCE OF MINES AND OTHER EXPLOSIVE DEVICES FROM THE CANAL AND ITS VICINITY IS THOROUGH AND COMPLETE, WE OBVIOUSLY CANNOT BE PUT IN THE POSITION OF BEING FINANCIALLY RESPONSIBLE TO EGYPT OR OTHERS FOR ANY DAMAGE WHICH MAY OCCUR IN THE FUTURE IF, FOR EXAMPLE, A MINE IS OVERLOOKED.

(C) THIRD, AS HAS BEEN INDICATED TO THE EGYPTIAN SIDE BY OUR MILITARY TEAM, ARRANGEMENTS ARE NEEDED TO CLARIFY THE STATUS OF U.S. PERSONNEL ASSOCIATED WITH THIS PROJECT IN EGYPT. THE PROPOSED AGREEMENT WOULD SIMPLY STATE THAT, WHILE THE MEMBERS OF THE FORCE WILL NOT COME UNDER EGYPTIAN JURISDICTION, THE FORCE AND ITS MEMBERS WILL BE OBLIGATED TO RESPECT EGYPTIAN LAWS AND CUSTOMS, AND NECESSARY MEASURES TO THAT END WILL BE TAKEN BY UNITED STATES AUTHORITIES.

4. OBVIOUSLY, THERE MAY BE A NEED TO MAKE SUPPLEMENTARY TECHNICAL ARRANGEMENTS ON CERTAIN DETAILED ASPECTS, AND THIS COULD BE ACCOMPLISHED UNDER PARAGRAPH 9 OF THE PROPOSED AGREEMENT. THE IMPORTANT POINT IS TO CONCLUDE AN OVERALL AGREEMENT AS SOON AS POSSIBLE SO THAT THE LIMITED OFFICIAL USE

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PROJECT WILL NOT BE HELD UP.

5. WE HAVE PROPOSED THAT THIS AGREEMENT BE CONCLUDED AS A SIMPLE EXCHANGE OF DIPLOMATIC NOTES. WE HAVE SIMPLIFIED THIS PROPOSAL AS MUCH AS POSSIBLE IN LIGHT OF OUR MUTUAL INTEREST IN GETTING ON WITH THE WORK, AND LIMITED OURSELVES TO THE ESSENTIAL POINTS.

6. WE BELIEVE THE EGYPTIANS, TOO, WILL RECOGNIZE THE VALUE OF HAVING A REASONABLY CLEAR LEGAL FRAMEWORK TO AVOID POSSIBLE FUTURE MISUNDERSTANDINGS. WE ARE VERY ANXIOUS THAT THIS OPERATION BE A MODEL OF CLOSE U.S.- EGYPTIAN COOPERATION, AND WE THINK EGYPT WILL AGREE IT IS DESIRABLE TO PROVIDE ORDERLY PROCEDURES FOR ANY CONTINGENCIES THAT MAY ARISE. END TEXT

7. YOU MAY ALSO FIND USEFUL THE POINTS SET FORTH PARA 4 REF B.

8. RE PARA 2 CAIRO 2027, WE NOTE YOUR POINT THAT NEGOTIATION OF AGREEMENT MAY BE DELAYED BY ABSENCE OF FONMIN FROM CAIRO. WE SUGGEST YOU MAKE PRESENTATION TO FONMINISTRY SATURDAY MORNING AS INSTRUCTED AND ADVISE US SUBSEQUENTLY WHETHER YOU FEEL FONMINISTRY WILL BE IN POSITION TO TAKE QUICK ACTION ON AGREEMENT. POSSIBILITY RAISING WITH FAHMY HERE CAN THEN BE CONSIDERED.

9. RE PARA 3, AS YOU HAVE SEEN FROM OTHER MESSAGES, EXECUTE ORDER HAS ALREADY BEEN ISSUED. THIS IS, HOWEVER, REASON WE NEED TO MOVE AS QUICKLY AS POSSIBLE ON AGREEMENT. PROVIDING BASIC SUBSTANCE OF AGREEMENT IS RETAINED, WE WILL BE AS FLEXIBLE AS POSSIBLE ON MODALITIES. KISSINGER

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